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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,323	04/02/2001	Kurt E. Spears	10011530-1	9408

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

SAFAIPOUR, HOUSHANG

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/824,323

Applicant(s)

SPEARS ET AL.

Examiner

Houshang Safaipoor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Arguments

Applicant's amendment filed on December 20, 2004 has been entered and made of record.

Regarding claim 1, applicant argues that Johnson et al. does not teach or suggest calibrating a final gain after obtaining image data and using the initial gain and the final gain to modify the image data from the photosensor. Examiner disagrees. Please refer to col. 7, line 40 through col. 8 line 6 and col. 8, lines 40-64 for detailed description of initial and subsequent gain calibration. Therefore examiner maintains his rejection.

Regarding claim 7, applicant's argument is moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson et al. (U.S. Patent No. 5,907,742).

The applied reference has a common Assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Johnson et al. discloses a method of scanning, comprising: calibrating an initial gain for data from a photosensor, before scanning; obtaining image data from the photosensor; calibrating a final gain for the photosensor, after obtaining the image data; and using the initial gain and the final gain to modify the image data from the photosensor (col. 3, line 62 through col. 4, line 39).

Regarding claim 2, Johnson et al. discloses the method of scanning as in claim 1, the step of calibrating an initial gain further comprising:

scanning a first calibration strip (col. 3, line 62 through col. 4, line 39).

Regarding claim 3, Johnson et al. discloses the method of scanning as in claim 2, the step of calibrating a final gain further comprising:

scanning a second calibration strip (col. 3, line 62 through col. 4, line 39).

Regarding claim 4, Johnson et al. discloses the method of scanning as in claim 3, the photosensor being a first photosensor, the method further comprising:

scanning a third calibration strip, with a second photosensor, during the step of obtaining image data; calibrating a gain for the second photosensor; and using the gain for the second photosensor, and the initial gain, and the final gain, to modify the image data from the first photosensor (col. 8, line 65 through col. 9, line 38).

Regarding claim 5, Johnson et al. discloses the method of scanning as in claim 3, the photosensor being a first photosensor, the method further comprising:

scanning a portion of a moving carriage, with a second photosensor, during the step of obtaining image data; calibrating a gain for the second photosensor; and using the gain for the second photosensor, and the initial gain, and the final gain, to modify the image data from the

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first photosensor (col. 8, line 65 through col. 9, line 38).

Claims 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Webb et al. (U.S. Patent No. 5,278,674).

The applied reference has a common Assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Regarding claim 7, Webb et al. discloses an apparatus for image scanning, comprising: a platen for receiving an image to be scanned, the platen having a first end, and a second end opposite the first end, wherein a direction of scanning is from the first end to the second end (fig. 4, platen 12); a first calibration strip, near the first end; and a second calibration strip, near the second end, and substantially parallel to the second end. Please refer to fig. 4. Webb discloses that the “target means 41 is generally L-shaped” and “is mounted closely adjacent to one or both side edges” (col. 7, lines 3-10). Therefore, having L-shaped target 41 on both side edges 43 and 44 of platen 12 would result in having the calibration strip on all four edges of platen 12.

Regarding claim 8, please refer to the arguments under claim 7.

Claim 7 is also rejected under 35 U.S.C. 102(e) as being anticipated by Ko-Chien (U.S. Patent No. 6,388,778).

Regarding claim 7, Ko-Chien discloses an apparatus for image scanning, comprising:

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a platen for receiving an image to be scanned, the platen having a first end, and a second end opposite the first end, wherein a direction of scanning is from the first end to the second end; a first calibration strip, near the first end; and a second calibration strip, near the second end, and substantially parallel to the second end (fig. 2, col. 2, lines 27-43).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (U.S. Patent No. 5,907,742).

Regarding claim 6, scanning a white strip for a second time for calibration purposes is well known and routinely implemented in the art. Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to include this process in Johnson's invention.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webb et al. (U.S. Patent No. 5,278,674).

Regarding claim 10, providing an external heating system that keeps the lamp warm when the lamp is not illuminated is well known and routinely implemented in the art. Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to include this feature in Johnson's invention.

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Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webb et al. (U.S. Patent No. 5,278,674) and further in view of Gray et al. (U.S. Patent No. 6,028,681)

Regarding claim 9, Johnson et al. does not explicitly disclose a calibration tab on a carriage. However, Gray et al. introduces such a design. Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to include this feature in Johnson's invention for calibration purposes.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (571)272-7412. The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles, Sr. can be reached on (571)272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Houshang Safaipoor
Patent Examiner
Art Unit 2622
May 30, 2005


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